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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,452	10/22/2001	Uday C. Sagi	PF02262NA/10-30	4975
23400	7590	07/14/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,452

Applicant(s)

SAGI, UDAY C.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>October 22, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. This action is responsive to the application filed on October 22, 2001. Claims 1-15 are pending. Claims 1-15 represent a method and system for controlling an intelligent device through an instant messaging protocol over a communication network.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide et al., EP 1093271 A2 published April 18, 2001.

Masahide teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract).

As to claim 1, Masahide teaches a method for controlling an intelligent device through an Instant Messaging (IM) protocol over a communication network, the method comprising the steps of:

coupling the physical device having a first IM client to a control station having a second IM client using the communication network (see figs. 1-3; col. 8, lines 35-45; col. 9, Masahide discloses that a physical device is connected to an instant messaging client);

adding the intelligent device to an IM channel in the control station, and controlling the intelligent device from the control station by sending the physical device an instant message from the control station, the instant message comprising a command (see col. 10, line 30; col. 11, lines 20-30, Masahide discloses that physical devices are added to an instant messaging channel and that control commands are relayed to the physical devices through the attached instant messaging client).

Masahide does not explicitly teach the limitation of an IM buddy list. Masahide does teach that a channel is created and instant messaging clients and their associated physical devices join a chat channel (see col. 8-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by specifying the channel as a buddy list since the same functionality of identifying a group or chat room is achieved.

As to claim 2, Masahide teaches the method of claim 1, further comprising the step of identifying a status of the intelligent device to the control station by sending from the intelligent device to the control station a selected IM "presence" indication (see col. 10, lines 40-55, Masahide discloses that greetings and welcome are used indicate the status of joining a channel).

As to claim 3, Masahide teaches the method of claim 1, further comprising the steps of:

creating an IM user list and an access control list corresponding to the intelligent device and to a user; and providing control of the intelligent device by the user in accordance with the access control list (see col. 9, lines 1-50, Masahide discloses an event table that functions as an access control list for physical devices attached to IM clients).

As to claim 4, Masahide teaches the method of claim 1.

Masahide fails to teach the claimed limitation of authenticating at least one of a user, a server, and a proxy when sending and receiving an instant message.

However, "Official Notice" is taken that the concept and advantages of authenticating a user to an instant messaging service is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by specifying the authentication of users. One would be motivated to do so to limit the chat room to certain participants.

Claims 5-9 do not teach or define any new limitations above claims 1-4 and therefore are rejected for similar reasons.

As to claim 10, Masahide teaches the intermediate controller of claim 8.

Masahide fails to teach the limitation wherein the processor is further programmed to serve as a wireless network proxy.

However, "Official Notice" is taken that the concept and advantages of employing a wireless proxy in an Instant Messaging system is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing a wireless proxy server. One would be motivated to do so to allow mobile devices to interact and use an Instant Messaging service.

Claims 11-15 do not teach or define any new limitations above claims 1-10 and therefore are rejected for similar reasons.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157